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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/915,436	07/26/2001	Dwip N. Banerjee	AUS920010527US1	7371
7590	11/07/2003		EXAMINER	
Duke W. Yee Carstens, Yee & Cahoon, LLP P.O. Box 802334 Dallas, TX 75380			KRAMER, JAMES A	
			ART UNIT	PAPER NUMBER
			3627	

DATE MAILED: 11/07/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

*network characteristics = i.e. fiber optics*

# Office Action Summary

Application No.

09/915,436

Applicant(s)

BANERJEE ET AL.

Examiner

James A. Kramer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khan et al.

Khan et al. teaches automated software metering of digital payloads that dynamically computes and/or assesses the costs associated with Internet based content delivery (column 2; lines 20-22). Khan et al. teaches a cost metering system with similarities to the U.S. postal service (column 2; lines 35-36) where computed billing information is dynamically updated visually as the user adds or removes items to and from the payload to be transmitted (column 2; lines 30-34). Khan et al. further teaches the costs determined based on the type of service provided and payment received based on a credit card charge (column 2; lines 35-43).

Examiner notes that a user opening this digital payload envelope and selecting services is the same as Applicants receiving a request from a requestor for delivery of an electronic document. The bitmapped stamp of Khan et al. represents receiving the request, identifying a payment amount based on network characteristics and sending acknowledgement to requestor, where acknowledgement includes payment amount. Examiner further notes that the user selecting send, is interpreted as sending the electronic document in response to receiving a reply to the acknowledgment from the requestor accepting the identified payment amount.

Examiner takes official notice that it is old and well known for the post office to offer the option for users to purchase insurance when sending an item. The insurance is based on the value of the item being delivered and guarantees on-time delivery of the items. Insurance is used in order to provide the customer with a sense of security that their item will be delivered on time.

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It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the system of Khan et al. by altering the time stamping service (column 5; line 3) and the quality of service box (Figure 2; 1009) to allow users to purchase insurance, as taught by Official Notice, when selecting the quality of service they desire. The cost for this service would be identified based on the same network characteristics as the regular delivery and added to the payload envelope for user approval/acknowledgement. If a user were to select this option and the item was not delivered on time the user would get a refund of his/her money plus compensation for the value of the document as taught by Official Notice. One of ordinary skill in the art at the time of the invention would be motivated to combine these references in order to provide users with a sense of security that their item will be delivered on time.



### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to James A. Kramer whose telephone number is (703) 305-5241. The examiner can normally be reached on Monday - Friday (8AM - 5PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on (703) 305-4716. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

JAK

  
Richard Chilcot  
Supervisory Patent Examiner  
Technology Center 2880  


James A. Kramer  
Examiner  
Art Unit 3627